

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT MUIR WADE,

Plaintiff,

v.

MONROE COUNTY DISTRICT ATTORNEY, et al.,

Defendants.

CIVIL ACTION NO. 3:15-cv-00584

(SAPORITO, M.J.)

ORDER

AND NOW, this 13th day of May, 2019, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. Count II of the complaint (access to courts) shall be **DISMISSED without prejudice** for failure to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1);

2. The Clerk is directed to enter **JUDGMENT** in favor of the plaintiff with respect to Count I of the complaint (procedural due process), pursuant to Rule 58 of the Federal Rules of Civil Procedure;

3. The defendants shall take all steps reasonably necessary to preserve: the physical evidence taken from the victim's body, including fingernails of the victim and any scrapings from those fingernails; the yellow turtleneck sweater worn by the victim and which had a bloodstain on the neck and body of the sweater; the lavender leather coat; the bra,

underpants, pantyhose, and shoes of the victim; the trash bag in which the body of the victim was found; the contents of the lavender coat of the victim; and the inventory of the items found in the lavender coat;

4. The defendants shall produce the evidence described in the preceding paragraph to the plaintiff for inspection and touch DNA testing;

5. The defendants shall cooperate with the plaintiff in selecting a qualified laboratory for touch DNA testing of the evidence described in paragraph 3; and

6. Within **sixty (60) days** after the date of this Order, the parties shall file a joint status report with respect to their progress or performance under paragraphs 3, 4, and 5 of this Order.

s/Joseph F. Saporito, Jr.
JOSEPH F. SAPORITO, JR.
United States Magistrate Judge